

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHELLE DIANE JOHNSTON,

Plaintiff,

Case No. C15-433-RSM-BAT

V.

CAROLYN W. COLVIN, Commissioner of  
Social Security.

Defendant.

## **REPORT AND RECOMMENDATION**

Plaintiff appeals the denial of her applications for disability benefits. Dkt. 3. The parties  
note the case should be reversed and remanded. Dkt. 19. The Court has considered the  
motion and the record and recommends the case be **REVERSED** and **REMANDED** under  
sentence four of 42 U.S.C. § 405(g).

18 On remand, the Administrative Law Judge (“ALJ”) will allow Plaintiff to submit  
19 additional evidence and arguments; hold a de novo hearing and issue a new decision; reevaluate  
20 the medical opinion evidence, particularly the opinions of Ron Battle, M.D., and Leslie  
21 Postovoit, Ph.D., in accordance with 20 C.F.R §§ 404.1527, 416.927; explain the weight given;  
22 and provide legally sufficient reasons for any medical opinion that is rejected; reassess Plaintiff’s  
23 residual functional capacity, as necessary; continue with the sequential evaluation process,

1 reevaluating Plaintiff's ability to perform past relevant work or other work, and obtaining, as  
2 necessary, vocational expert testimony at step five of the sequential evaluation process; and take  
3 any other actions necessary to develop the record.

4 The parties further stipulate that Ms. Johnston will be entitled to reasonable attorney fees  
5 and costs pursuant to 28 U.S.C. § 2412 and 28 U.S.C. § 1920, upon proper request to the Court.

6 Because the parties have stipulated the case be remanded as set forth above, the Court  
7 recommends that United States District Judge Ricardo S. Martinez immediately approve this  
8 Report and Recommendation and order the case **REVERSED** and **REMANDED** for further  
9 administrative proceedings as set forth above. A proposed order accompanies this Report and  
10 Recommendation.

11 DATED this 21st day of August, 2015.

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14 BRIAN A. TSUCHIDA  
15 United States Magistrate Judge  
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